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10/622,307	07/18/2003	Randy Skocypec	ITL.1017US (P16704)	4356

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EXAMINER

CARRILLO, BIBI SHARIDAN

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1746

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/622,307
Filing Date: July 18, 2003
Appellant(s): SKOCYPEC ET AL.

MAILED

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GROUP 1700

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 9, 2005 appealing from the Office action mailed January 4, 2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of the claims 1-8, under 112, second paragraph has been withdrawn in view of arguments presented by appellant.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

6,733,596 Mikhaylichenko et al. 05-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

a) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

b) Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikhaylichenko et al. (6733596).

In reference to claims 1-2, Mikhaylichenko et al. teach positioning the wafer between a pair of rotating brushes and providing a cleaning solution through the brushes as illustrated in Fig. 2A. In reference to claim 3, refer to col. 7, lines 18-20. In reference to claims 4-7, refer to Figs. 2A-2C, and 3A-3C. In reference to claim 8, refer to col. 1; lines 15-20.

(10) Response to Argument

a) Appellant argues that the prior art of Mikhaylichenko et al. fail to teach the limitation of spraying a solution at the interface between the rotating brushes and said wafer. Appellant argues that Fig. 3B does not teach an interface because "air" is not considered as a common boundary between the wafer and the brushes. Appellant cites an "Evidence Appendix" which defines an interface as "a surface forming a common boundary between adjacent regions, bodies, substances, or phases". Appellant's arguments are not convincing based on arguments which were cited in the Advisory Action. Specifically, the definition of an "interface" does not require that the common boundary has to be touching. The region between the wafer and the brush, as illustrated in Fig. 3B defines a common boundary, air, which is the interface. If appellant intends the interface to be limited to the brushes and the wafer touching, then the claim should be amended as such to include this limitations. Additionally, the examiner also pointed out in the Advisory Action that another embodiment of Mikhaylichenko reads on appellant's claim language. Specifically, Fig. 3C, t2 shows supplying solution 207 to the interface between the rotating brushes and the wafer. Since the language of claim 1 does not require that the cleaning solution be different from "a solution" sprayed at the interface between the wafer and the rotating brushes, the embodiment of Fig. 3C, t2 also reads on the language of claim 1. Additionally, claim 1 does not require that the rotating brushes touch the wafer as the solution is sprayed at the interface between the rotating brushes and the wafer. Appellant has not addressed Fig. 3C, t2 of Mikhaylichenko in the Appeal Brief.

(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

B. Sharidan Carrillo

Primary Examiner

Art Unit 1746

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